

KALKASKA CODE – GENERAL PROVISIONS

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

KALKASKA CODE – GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
- 10.10 Errors and omissions
- 10.11 Official time
- 10.12 Reasonable time
- 10.13 Ordinances repealed
- 10.14 Ordinances unaffected
- 10.15 Effective date of ordinances
- 10.16 Repeal or modification of ordinance
- 10.17 Ordinances that amend or supplement code
- 10.18 Section histories; statutory references
- 10.19 Notice
- 10.99 General penalties

KALKASKA CODE – GENERAL PROVISIONS

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Village of Kalkaska shall be designated as the Code of Kalkaska and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE, THIS CODE or **THIS CODE OF ORDINANCES.** This village code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

CLERK or **VILLAGE CLERK.** The Clerk of the Village of Kalkaska. ('67 Code, § 1.022(d))

COUNTY. Kalkaska County, Michigan.

LAW or **GENERAL LAWS OF THE STATE.** The Constitution and Public Acts of Michigan in effect at the time the provisions of the code containing the reference are to be applied. ('67 Code, § 1.022(c))

MANAGER. The Village Manager of the village of Kalkaska.

MAY. The act referred to is permissive.

MONTH. A calendar month.

KALKASKA CODE – GENERAL PROVISIONS

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this village unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The state of Michigan.

STATUTE. The Public Acts of Michigan in effect at the time the provisions of the code containing the reference are to be applied. All references to specific Public Acts shall be to those acts in effect at the time the references to those acts are to be applied. ('67 Code, § 1.022(b))

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

VILLAGE, MUNICIPALITY or MUNICIPAL CORPORATION. The village of Kalkaska, Michigan.

VILLAGE COUNCIL or COUNCIL. The legislative body of the village.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this village shall be by the following rules, unless such construction is plainly repugnant to the intent of the Village Council or of the context of the same ordinance:

KALKASKA CODE – GENERAL PROVISIONS

(A) **AND or OR.** Either conjunction shall include the other as if written “and/or,” if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this village exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this village for the transaction of all village business.

KALKASKA CODE – GENERAL PROVISIONS

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day were Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the Village Council requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anyway be affected, released or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

KALKASKA CODE – GENERAL PROVISIONS

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the Village Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord.25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. § 551.271) (Ord. 10, passed 1-17-80; Am. Ord.20, passed 1-1-85).

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 31.10 MAYOR.

The Mayor shall preside at all meetings of the Village Council.
(Ord. 10, passed 1-1-80)

Statutory reference:

For the powers and duties of the Mayor, see M.C.L.A. § 551.271

§ 10.19 NOTICE.

(A) *Service of notice.* Notice regarding abating nuisances or any other act required by this chapter, the expense of which, if performed by the village, may be collected from the property owner, shall be served:

- (1) By delivering the notice to the owner personally or by leaving it at his residence, office, or place of business with some person of suitable age and discretion;
- (2) By mailing the notice by certified mail to the owner at this last known address;
or
- (3) If the owner is unknown, by posting the notice in some conspicuous place on the premises five days prior to the date set therein for compliance.

(B) *Interference with notice.* No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by the village unless permission is given to remove the notice.

KALKASKA CODE – GENERAL PROVISIONS

(C) *Record of notice.* The Clerk shall maintain a separate file of notice given hereunder, including a record of the date upon which notice was delivered, mailed, or posted.

('67 Code, § 1.10) Penalty, see § 10.99

§ 10.99 GENERAL PENALTIES.

(A) Any person, firm or corporation who shall violate any provision within any Chapter and/or Section with penalty indicated as listed in Section 10.99(A) of Village of Kalkaska Code or Ordinances or maintain a nuisance per se shall be responsible for a Municipal Civil Infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan compiled Laws. Each day this code is violated shall be considered as a separate violation and subject to fines and actions set forth in Chapter 32. Any section taken under this section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

(B) Any person, firm or corporation who shall violate any provisions within any Chapter and/or Section with penalty indicated as listed in Section 10.99(B) of the Village of Kalkaska Code or Ordinances shall be responsible for a Misdemeanor and shall, upon conviction, be subject to a fine not exceeding \$500.00 in costs or imprisonment for not more than 90 days or both. A separate offense shall be deemed committed upon each act of violation in each day during which a violation occurs or continues.